



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14804 OF 2023

Sanjay s/o Ananda Jadhav
Age: 59 years, Occu.: Retired,
R/o.28, Rajaram Patil Nagar,
Valvadi Shivar, Deopur,
Tq. And Dist. Dhule.

.. PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Department of School and Sport
Mantralaya, Mumbai.
2. The Education Officer (Secondary)
Zilla Parishad, Dhule.
3. The Superintendent Pay and Provident
Fund Unit, Zilla Parishad (Secondary)
Dhule, Dist. Dhule.
4. Jai Maharashtra Shaikshanik Trust,
Anchade, Tq. And Dist. Dhule.
Through its President.
5. Shri. Tatyasaheb Jairam Atmaram
Salunke, Secondary School,
Ahchhade, Tq. & Dist. Dhule,
Through its Headmaster.

.. RESPONDENTS

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Mr. Sachin S. Deshmukh, Advocate for the petitioner.
Mr. S. K. Shirse, AGP for Respondent Nos.1 to 3 – State.
Mr. S. R. Patil, Advocate for Respondent Nos.4 and 5.

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CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.

DATE : MARCH 01, 2024.

ORDER :-

. Present petition has been by the petitioner filed for the following reliefs :-

"A) By issuing a writ of mandamus or any other appropriate writ, order or direction in the like nature, the respondent Nos.4 and 5 be directed to forthwith credit the amount towards provident fund of the petitioner, which is already determined by the respondent Nos.2 and 3; and for that purpose issue necessary directions.

B) By appropriate writ or orders in the like nature the respondents be directed to pay the interest and penal interest @ 18% p.a. on the amount of provident fund of the petitioner with further directions to pay the cost towards the petition; and for that purpose issue necessary directions."

2. Heard learned Advocate Mr. Sachin S. Deshmukh for the petitioner, learned AGP Mr. S. K. Shirse for respondent Nos.1 to 3 – State and learned Advocate Mr. S. R. Patil for respondent Nos.4 and 5.

3. Admittedly, the petitioner was entitled to get the amount towards provident fund. It appears that the management had some dispute with the petitioner. Respondent No.3 initially had given the cheque towards provident fund of the petitioner, but it appears that by communication dated 04.07.2023 when it was pointed out that there were some deficiencies, the cheque was called back. Accordingly, the cheque was returned.

4. Now, under the orders of this Court dated 02.01.2024, respondent No.5 was directed to deposit the entire amount in this Court. Thereafter by order dated 16.01.2024, permission was granted to the Incharge Headmaster to sign the bill with regard to deposit the funds and thereafter, it appears that the amount of Rs.13,84,925/- which is the amount which is due towards provident fund to the petitioner, came to be deposited in this Court. The petitioner is entitled to receive the said amount.

5. Though the learned Advocate for the petitioner is insisting upon the interest, it appears that due to the scrutiny which appears to have been made at a later point of time, the situation has been created. However, we find that the said scrutiny ought not to have been made at a later point of time after the issuance of cheque, but it is because of the management, who had taken objection that No Objection Certificate was not given and furthermore, when the cheque was already received, the defect could have been cleared later on also. There was no necessity that the cheque should have been sent back. Definitely, the management is responsible for the delayed payment and, therefore, instead of granting interest, we propose to impose cost on the management. For the aforesaid reasons, following order is passed :-

ORDER

I) Writ Petition stands partly allowed.

II) The amount of Rs.13,84,925/- deposited in this Court on 18.01.2024 be given to the petitioner along with interest, if any, accrued thereon.

III) Respondent Nos.4 and 5 to deposit cost of Rs.10,000/- in this Court within a period of one month. After the deposit of the said cost amount, it be given to the petitioner.

[S. G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm